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GOVERNMENT OF GOA

Department of Home

Home—General Division

Office of the District Magistrate, North Goa

Order

No. 40/09/2019-MAG/BYE-ELN/622

Read: 40/09/2019-MAG/BYE-ELN/455 dated 22-4-2019.

Under Section 144 of Criminal Procedure Code, 1973

Whereas, the Bye Election to 11-Panaji Assembly Constituency is scheduled to be held on 19-05-2019 in North Goa District and the Election Model Code of Conduct is already in force with effect from 10-03-2019. The Election Commission of India, New Delhi has issued directions to ensure free, fair and peaceful Elections;

And whereas, there is possibility of "Liquor" etc. being used to lure the voters by the candidates and political parties during the elections. The District Magistrate and District Election Officer, has already given directions to the Flying Squads, officials of Excise Department, Police or any other authorised officers/Officials to keep a strict vigil and also to track the movements of large consignment of IMFL, Beer etc. within the jurisdiction of Tiswadi Taluka in North Goa District to deter any chances of distribution of liquor etc. by Contesting Candidates to lure the voters;

And whereas, in order to ensure free, fair, peaceful and orderly conduct of Election process and to prevent obstructions, annoyance or injury or

disturbance of public tranquillity or riot or any affray during the electioneering period, it is felt that the timings of sale of liquor needs to be properly regulated and curtailed;

And whereas, in view of the operation of the model code of conduct in the district and in furtherance of the guidelines of the Election Commission of India, to prevent any chances of undue influence of voters through distribution of liquor and also to preserve peace and tranquillity within the jurisdiction of the 11-Panaji Assembly Constituency. It is felt appropriate that the timings of closure of all the Liquor Shops/Bars, Pubs situated within Tiswadi Taluka needs to be curtailed and regulated.

And whereas, Section 29(A) and other provisions of the Goa Excise Duty Act, 1964 and Rules empowers the District Magistrate to order the closure of Liquor shops/Bars and Restaurants at such times and for such period as may be necessary for preservation of public peace and tranquillity in the Constituency during the period of conduct of elections.

And whereas, Section 135C of Representation of the People Act, 1952 provides that "No spiritous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area".

And whereas, I am satisfied that the circumstances do not permit the serving of the notice individually in time to all concerned.

Now therefore, in view of ensuing Bye Election to 11-Panaji Assembly Constituency, 2019 in North Goa District and to ensure free, fair, peaceful and orderly conduct of the entire election process, I, R. Menaka, IAS, District Magistrate & District Election Officer, North Goa District, Panaji in exercise of the powers vested in me under the provisions of Section 144 of Cr. P. C., 1973 read with Section 29A of the Goa Excise Duty Act, 1964 do hereby order as follows-

- 1) All the licenced Liquor shops/Bars & Restaurants, Pubs, Food Joints, Shacks, etc. serving or selling liquor within the jurisdiction of Tiswadi Taluka in North Goa District are prohibited from selling or serving liquor for the period commencing from 6.00 p.m. onwards on 17-05-2019 upto 12.00 hrs. midnight on 19-05-2019.

Further, the licensed premises having license for Bar and Restaurant are allowed to keep the Restaurant open for serving food only and the Bar counter shall be closed and no liquor shall be allowed to be served or sold during the above mentioned days and time. The owners of the licensed premises having Bar and Restaurant shall display a board in the premises stating that "No Liquor will be served on the said days and time

and that only the Restaurant is open for serving food".

If any liquor shop/bar, pub or any establishment serving or selling liquor is found violating this order, during the prescribed period, shall be liable for cancellation of license and the owner or offender shall be also liable for penal action under Section 188 of Indian Penal Code, 1908, read with Section 30 of the Goa Excise Duty Act, 1964 and all other relevant provisions of laws in force.

All the Flying Squads, Static Surveillance Teams and officials of the Excise Department, Sector Magistrates, Police or any other authorized officers/officials within the jurisdiction of the Tiswadi Taluka in North Goa District, shall act immediately in case any violation comes to their notice or reported to them and should forthwith report all such cases to the Commissioner of Excise for immediate action.

This Order comes into effect from 17-05-2019 and issued in supersession of earlier order read above.

Given under my hand and seal of this office, on this 16th day of May, 2019.

R. Menaka, IAS,
District Magistrate & DEO,
North Goa.

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